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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,992	03/21/2002	Rodolfo Mann Pelz	10191/1969	8032
26646	7590	01/10/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			ART UNIT	PAPER NUMBER

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050105

DATE MAILED:

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Commissioner for Patents

DETAILED ACTION

Response to Appeal Brief

1. The appeal brief filed on October 15, 2004, is considered to be defective for the reasons below. To avoid dismissal of the appeal, appellant must submit the necessary copies of the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or, (3) within two months from the date of the notice of appeal under 37 CFR 41.31. Extensions of these time periods may be granted under 37 CFR 1.136.

2. The signature and registration number presented on the brief is illegible.

3. The brief does not contain the items of the brief required by 37 CFR 41.37(c)(1) under the appropriate headings and/or in the order indicated. The brief does not contain the headings "Summary of claimed subject matter", "Grounds of rejection to be reviewed on appeal", and "Claims appendix".

4. "Summary of claimed subject matter". The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters; and/or does not identify the structure,

material, or acts described in the specification as corresponding to each claimed function for every means plus function and step plus function for each independent claim involved in the appeal and for each dependent claim argued separately by reference to the specification by page and line number, and to the drawing, if any, by reference characters, as required by 37 CFR 41.37(c)(1)(v).

5. "Grounds of Rejection to be reviewed on appeal". The brief does not contain a correct concise statement of each ground of rejection presented for review as required by 37 CFR 41.37(c)(1)(vi). Each separate ground of rejection presented for review in the instant brief is referred to as "Group I".

6. "Argument". The brief does not contain arguments of the appellant with respect to each ground of rejection presented for review, and the basis therefor, with citations of the statutes, regulations, authorities, and parts of the record relied on as required by 37 CFR 41.37(c)(1)(vii).

The separately patentable groups are all referred to as "Group I". The claims under appeal are grouped into four separately patentable groups but are not argued separately as required. Issue A, corresponding to claims 11-14 and 17-20, is presented with arguments. With respect to Issue B, corresponding to claims 15, 16, and 21, it is indicated that, "Claims 15, 16, and 21 depend from allowable claim 11. It is therefore respectfully requested that the obviousness rejections be withdrawn since claims 15, 16, and 21 are allowable for essentially the same reasons as claim

11, and since the Chou patent does not cure the critical deficiencies of the Gray patent and the Buckley patent, which were explained above." This does not constitute an acceptable argument for separate patentability but instead groups the claims of Issue B with the claims of Issue A.

Issue C, corresponding to claim 22, and Issue D, corresponding to claim 23, are also not argued separately, as required.

7. "Claims appendix". Claim 19, line 5, recites, "configuring other components" instead of "configuring the other components" as was presented February 05, 2004.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (571)272-2226. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jr
January 5, 2005


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800